LETTERS OF PUBLICATION, of a COMMISSION, Under the great SEAL: Anent the Security of the PEACE of the HIGHLANDS of SCOTLAND.

Edinburgh, Printed by the *Heir* of *Andrew Anderson*, Printer to His most Sacred *Majesty*, 1682.

SCOTLAND

CHURCH

PEACE

COMMISSION

OF

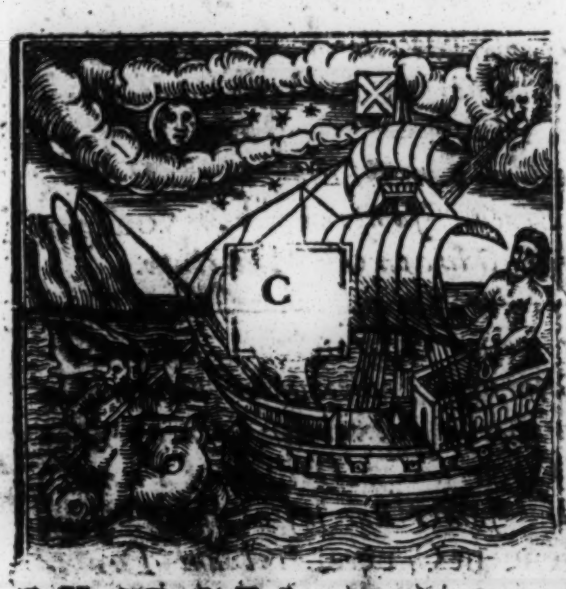
SUPPLICATION

LETTERS

LETTERS OF PUBLICATION,

of a Commiſſion anent the Security of the

PEACE OF THE HIGH-LANDS.



CHARLES, by the Grace of GOD, King of *Great-Britain*, *France*, and *Ireland*, Defender of the Faith; To all and ſundry, Our loving and good Subjects, to whom theſe Preſents ſhall come, Greeting: Foraſmuch, as the quieting of the High-lands and Iſles, and the Dutiful and Peaceable Carriage, and Deportment of the Inhabitants within the ſame, is of great concernment, not only as to the Peace and Intereſt of the Shires and Bounds where they live, being a large and conſiderable part of Our antient Kingdom of *Scotland*; but alſo of the Neighbouring and Adjacent Countreys and Shires, which ly open, and are ſubject to the Incurſions, Depredations, and the barbarous cruelty and oppreſſion of Thieves, Sorners and Broken-men, when the High-lands are in Diſorder; and upon the conſideration aforeſaid, We, and Our Royal Anceſtors, have been moſt careful to preſerve, and ſecure the Quiet and Peace of the ſaid High-lands and Iſles; and in order thereto, from time to time, with Advice of the Eſtates of Parliament, and of their Privy Council, have made and enacted divers good Laws, Statutes, Acts of Parliament, and Council, Proclamations and Orders, yet ſtanding in full Force; nevertheleſs the Inhabitants and Broken-men, within the High-lands and Iſles, being inured and accuſtomed to liberty and licentiouſneſs, upon occaſion of the late Troubles, and the reaſon, that during the ſame, the ſaids Laws have not been obſerved, nor put in execution, do ſtill preſume to Sorn, Steal and oppreſs, and to commit other Inſolencies and Diſorders; and eſpecially within the Shires of Caith-

Caithneſs, Sutherland, Roſs, Inverneſs, Cromarty, Nairn, Elgine, Bamff, Aberdeen, Kincardine, Forfar, Perth, Stirling, Dumbarton, Argile and Tarbot, and other adjacent Shires, to the high contempt of Our Authority and to the great hurt, prejudice and diſcouragement of Our good and peaceable People and Subjects: Therefore We being careful to provide for the Good, Eſtate, Security, Peace and Quietneſs of Our ſaid good Subjects, As alſo, to repreſs ſuch offenders, in due courſe of Law; and putting ſingular Truſt and Confidence in the care and circumſpection of the Perſons after-mentioned, for the Puniſhment and Prevention of any of the Offences aforeſaid, already committed, or to be committed hereafter; Do therefore grant full Power, Authority and Commiſſion, repreſenting and Charge to Our Officers of State, for the time being, as alſo to the Perſons aftermamed, *viz.* *Sinclair* of *Dunbeath*, *Sinclair* of *Mey*, *Robert Gordon* younger of *Gordonſtown*, Sir *George Monro*, *Robert Craig* of *Sibbo*, Captain *William Mackay*, *Roſs* of *Balnagoun*, Sir *Alexander Mackenzie* of *Coul*, *Mackenzie* of *Redcaſtle*, Sir *Roderick Mackenzie* of *Findon*, *Hugh Fraſer* younger of *Belladrum*, *James Frazer* of *Auchnagarg*, *Mcintoſh* of that Ilk, *Lochiſh Grant* of that Ilk, *Mcdonald* of *Glengarie*, Sir *Ewing Cameron* of *Lochyell*, Bailzie to the Marquels of *Huntly*, *Hector Mclane* of *Torlundy*, *Alexander Chiſholme*, Sheriff Depute of *Inverneſs*, *William Mcintoſh* of *Borlum*, *Mcintoſh* of *Killineſrik*, Sir *Robert Innes* of *Kinermony*, *Alexander Innes* of *Cockſtown*, *Alexander Cuming* of *Logie*, *Intoch* of *Tarnachie*, *Roſs* of *Kilravock*, Sir *George Gordoun* of *Edinglaſſie*, *Patrick Grant* of *Grantſhire*, *Alexander Duff* younger of *Braco*, *James Anderſon* younger of *Waſſertoun*, *John Gordon* of *Knockſpeck*, *Francis Gandie* of *Miltoun*, *Farquharſon* of *Finzeam*, *Robert Ruſs* of *Auchlaſſan*, *Andrew Fraſer* of *Kinmundy*, *Jo. Gordon* of *Brachoe*, Sir *John Forbes* of *Craigiwar*, *James Gordon* younger of *Lefmore*, *Adam Gordon* of *Glenluket*, *Alexander Bannerman* of *Elſick*, Sir *Alexander Falconer* of *Glenfargushar*, *Alexander Carnegy* Sheriff Depute of *Forfar*, Sir *David Carnegy* of *Clova*, *Ogilvie* of *Pitfour*, *Carnegy* of *Balnamoon*, *Lindſay* of *Pitcur*, *James Ramſay* of *Balmain*, *John Drummond* Sheriff Depute of *Monteith*, Lieutenant General *William Drummond*, Sir *James Stewart* of *Lorn*, Sir *Patrick Murray* of *Auchtertyre*, Sir *John Drummond* of *Machany*, *John Drummond Stewart* Depute of *Strathern*, *James Graham* of *Orchyle*, *Myngs Haldane* of *Glenegies*, *Patrick Stewart* of *Balleclan*, *Menzies* younger of *Weem*, *Alexander Robertſon* of *Strowan*, *Andrew Spaldin* of *Ashintillie*, *Colquhoun* of *Luſs*, *John Graham* of *Killane*, *John Stirling* of *Dungleſton*, *John Buchanan* of *Arnpryor*, *Buchanan* of *Drumakil*, *Mohean* of *Kinſhad*, *Mcnaughton* of that Ilk, *Stewart* and Tutor of *Appine*, *Mcallaſter* of *Tarbet*, Conjunctly and ſeverally, to perſue, follow, take, apprehend, impriſon, and preſent to Juſtice, all Perſons within the ſaids Shires, guilty, or ſuſpected to be guilty of Theft, reſſet of Theft, Robberies, Depredations, Sorning, exacting of Black-meal, Communing with Intercommuned Perſons, Harbouring and Reſetting of Out-laws and Fugitives, hounding out, or ratifhabiting Thieves, Robbers, Murderers, Sorners, or others, guilty of the ſaid and Crimes; and in caſe the ſaids Perſons cannot be apprehended, and preſented to Juſtice, We do give Warrand to Our ſaid Commiſſioners, or any one, or two of them, to iſſue furth Precepts, direct to the Sheriff-officers, Stewart, or Bailzie-officers, Mayors, or Conſtables, Charge them to compear before the ſaids Commiſſioners, or any three of them, at the next Juſtice-court, to be holden by them, in manner aftermentioned; and where there are not already a ſufficient number of Sheriff,

riff, and other Officers, with Power to the ſaid Commiſsioners, to appoint Officials in all the High-land Paroches; which Officials, are to have the ſame Powers, given to Conſtables by the *Act* of *Parliament*, in the year 1661. and who are to give an account on all occaſions, to the next adjacent Commiſsioners, and to cite Perſons before them, as Precepts ſhall be directed to them by the ſaids Commiſsioners: as alſo, with Power to Our ſaids Commiſsioners, or any one, or two of them, to cauſe cite before them, all Perſons within the ſaids bounds, *malæ famæ*, and ſuſpected of Theft, or of correſponding with Thieves, that they may be tryed by an Aſſyze, and be either purged by an Aſſyze, or Impriſoned, until they find ſufficient Caution; And do declare, that a Citation to be uſed at the Paroch Kirk, and Mercat Croſs of the Head-burgh of the Shire, where they have moſt frequently haunted, againſt the ſaids Thieves, their Reſſetters, and others guilty of the Crimes aforeſaid, to compear before Our ſaids Commiſsioners, who have no dwelling-houſes, ſhall be as ſufficient as if they were perſonally Charged, in regard of the uncertainty of their Reſidence, and difficulty of acceſs to them; and where they have places of Reſidence, they are to be cited perſonally, or at their Dwelling-houſes, and Mercat Croſs of the Head Burgh of the Shire where they dwell, with Power to Our ſaids Commiſsioners, or any three of them, which is declared to be a *quorum*, to affix and hold Juſtice Courts, at ſuch times and places as they ſhall think moſt fit, and expedient to Create Fiſcals, Serjeants, Deputies, and all other Members of Court needful, except Clerks, who are to be appointed by the Juſtice-Clerk, wherein, if he failzie, Our ſaids Commiſsioners, or their *quorum*, are impowered to chooſe their own Clerks, with power to Our ſaids Commiſsioners, or their *quorum*, to [illegible] ſes, to call perſons to paſs upon Inqueſts, out of any ſix Parishes adjacent to the place where they hold their Court; abſent Witneſſes and Aſſyzers to Unlaw, and amerciate the Unlaws and Amercaments, ſo uplift and recover, to be applyed by Our ſaids Commiſsioners, for defraying [illegible] of the Expences and Fees of the Commiſsioners and Members of Court in the Juſtice Courts, to call the perſons, either cited and not compearing, or compearing as guilty, or ſuſpected to be guilty of the Crimes aforeſaid, or any of them; And to declare ſuch as are abſent [illegible] Laws, and ſo ſhall forth their Sentence, for Confiſcation of their Goods and putting them to Our Horn; and ordaining all their Lands and Heritages to be Eſcheat, and inbrought to Our uſe, for their Contempt and Diſobedience; and ſuch as ſhall compear, or be brought before them, to put them to tryal, and the knowledge of an Aſſyze, and as they ſhall be found Innocent or Guilty, that they cauſe [illegible] upon them, conform to the Laws and Acts of Parliament of Our Realm, providing always, that when any Landed-man is cited or [illegible] before Our ſaids Commiſsioners, as guilty, or ſuſpected to be guilty of the ſaid Crime of Theft, or reſſet of Theft, if he compear and be put to the knowledge of an Inqueſt, Our ſaids Commiſsioners, before pronouncing of Sentence, ſhall be obliged to report the ſtate of the Proceſs to Our Privy Council, that they may give ſuch Direction therein as they ſhall think fit; but if they compear not and be declared Fugitives, that their Moveables ſhall be intromitted with, and Eſcheated as other Fugitives. And Do hereby give Power and Commiſſion to Our Commiſsioners, in the reſpective Shires aforeſaid, to intromet with, receive and uplift the Reſidue of the Goods of ſuch as ſhall be declared Fugitives, in the ſaid reſpective Shires, the two parts whereof are to be applyed for defraying the Expences of Our Commiſsioners and Members of Court, in the Execution of Our ſaid Commiſſion,

mission, and a third part thereof to be payed to us; With Power to them to nominat and appoint Collectors, for uplifting of the same, for whom Our saids Commissioners shall be answerable, that they shall make count, reckoning, and payment of Our said third part. And do ordain Our saids Commissioners, living within the Shires of *Caithness* and *Sutherland*; *viz.* those living within *Ross*, *Inverness*, *Cromartie*, *Nairne*, and *Elgine*; Those within *Bamff*, *Aberdeen*, *Kincardine* and *Forfar*; And those living within *Perth*, *Stirveling*, *Dumbritain* and *Argile*; to meet at least twice in the year, *viz.* once upon the second *Tuesday* of *October*, and once upon the first *Tuesday* of *June* yearly; and that the place of meeting of Our Commissioners of the said Shire of *Sutherland* and *Caithness*, these two dayes be at *Lochnaver*. The place for *Ross*, *Inverness*, *Nairne*, *Elgine* and *Cromarty*, at the head of *Lochness*. The place for the Commissioners of *Bamff*, *Aberdeen*, *Kincardine*, and *Forfar*, at *Kincardin* of *Neil*: The place for the Commissioners of *Perth*, *Stirveling*, *Dumbritain* and *Argile*, to be at the Kirk of [illegible]. At which places, and times, Our saids Commissioners shall be obliged to stay and keep together, at the least for the space of two dayes, for doing of justice; without prejudice to these Commissioners, to meet oftener, or any three of them, to meet at any other time and place they shall think meet for holding of Courts. Or for the Commissioners of any Shire to meet with the Commissioners of any other Shire, as they shall think expedient. And with Power to Our saids Commissioners, or any one or more of them, in case of Convocation, or open Depredations, to call and require Our Leidges to their Assistance, and give Warrant to pursue any Fugitives, to any place within the Land, and prosecuting them to Justice: [illegible] Stewarts, Bailzies of Royalties, Regalities, and [illegible] to be aiding and assisting to them therein, as they shall be required by Our saids Commissioners, or any one or more of them, for [illegible] and recovering of [illegible] taken by Fugitives, and [illegible] they [illegible] And [illegible] Shires [illegible] Keep and [illegible] Peace, [illegible] Commissioners [illegible] give their concurrence, when they [illegible] required by any one of the Commissioners [illegible] Commissioner, or declared Fugitive by any [illegible] number. And if they shall happen to die, or all the foresaid Commissioners are not present at the Courts of any of the Shires, to which they are hereby Ordained to repair, or pursue their Offices or their Jurisdiction. And to the effect [illegible] Leidges may [illegible] know, The Commissioners, who declare any Fugitive, shall [illegible] tion of their Names and Designations, to the Sheriffs of the next adjacent Shires of the Place where such a Court is holden; and the Sheriffs are to cause intimate the same at the Parish Churches within their respective Jurisdictions. That no Person presume to Relief, Supply, or harbour them. And doe hereby appoint, That the Clerks of the respective

ſpective Courts, ſhall give accounts to the Clerks of Our Privy Council, what Perſons are Condemned, what Fines are impoſed, what Perſons are declared Fugitives, what Eſcheats are fallen, and the Value thereof: And that twiſe in the Year, *viz.* Once in the Moneth of *Auguſt*, and once in Moneth of *December*, That Our Privy Council may know the Condition of theſe Shires, and what diligence Our ſaids Commiſſioners uſe, in the Proſecution of Our ſaid Commiſſion, upon ſtealling of any mans Goods, and Addreſſes made by the Parties Injured, or any in their Name, to Our ſaid Commiſſioners, or any one of them, for aſſiſtance, to Diſcover, or Recover the Goods; Each Commiſſioner, to whom the Addreſſe ſhall be made, ſhall be obliged to give his Aſſiſtance within twenty milnes of the Commiſſioners Houſe. And all Heritors are required to obey Our ſaids Commiſſioners, in giving ſuch Aſſiſtance. And for making diſtinction betwixt Peaceable and Honeſt Men, and Thieves and Broken Perſons; No Perſon living within any part of the *Highlands*, of the ſaid Shires, are to bring any Cowes, or Horſes to any Mercats, without a Teſtificate in Writ, from a Landed Man, bearing the Number, and Deſcription of the Beaſts, the name, and place of reſidence of the Merchand, and atteſting, that they are leillie come, under the pain of Eſcheit, and Confiſcation thereof, as ſtollen Goods. And if ſuch Teſtificate ſhall be ſuppreſſed, and that afterward it ſhall be found, that any of the ſaids Beaſts have been ſtollen; the Landed Man Atteſter ſhall be lyable, as if he were guilty: In ſo far as may be extended, to Reſtitution and Diſmembred of what the Law provides, without any favour. And Judges, and Magiſtrats, who have power of Mercats, and Clerks thereof, are diſcharged to permit any Beaſts, to be ſold, or bought, at any Mercats, till the Seller deliver in to them his ſaid Teſtificat with Certification, That the Magiſtrate, Maſter, or Clerk of the Mercat ſhall be lyable for any Beaſts, ſo ſold, and whereof the Clerk keeps not the Certificats aforeſaid, as if they were Art and Part of the Theft thereof. And it is hereby declared, That it ſhall not be lawfull for any [illegible] armed with Fire-armes, the Inhabitants of [illegible] Shires, [illegible] bearing the Number, [illegible] Beaſts, [illegible] Mercats, [illegible] Perſons, [illegible] Vagabonds, till they find Caution, for their good behaviour [illegible] Complaint be brought againſt them. It is likewiſe, hereby declared, That this Our Commiſſion, is, and ſhall be nowayes prejudicial to the Right, and Juriſdiction of Sheriffs, Stewarts, and Bailies of Regalities, who, notwithſtanding thereof, may proceed againſt Perſons guilty of Thift, Reſet of Thift, and of other Crymes aforeſaid, in the ſame way, and manner as they were in uſe to do formerly, conforme to the Laws, if they be firſt Attachers, and ſhall Prevent Our ſaids Commiſſioners in diligence. And this Our Commiſſion is to continue, and endure ay, and untill We ſhall think fit to recall it, by a Writ under Our great, or Privy Seals.

Given at Our Court at Whitehall, *the fourth of* July, 1682. *And of Our Reign the thirtieth and fourth Year.*

And to the effect the ſaid Commiſſion may be made publick, and known to the ſaids Commiſſioners, and all other Perſons [illegible] We, with

with advice of Our Privy Council, have thought fit, That these Our Letters of Publication, should be Past and Published in manner underwritten. And in regard, the said Principal Commission under Our great Seal cannot be conveniently produced, in the Respective Places, and Meetings of the Commissioners; We have thought fit, That the Principal Commission shall remain in the hands, custody and keeping of Our *Chancellour*. And hereby Ordain, and Appoint, That a printed Copy thereof, Signed under the hand of the Clerk of Council, and under the Council Signet, shall be as sufficient a warrand for the said Commissioners to meet, as if the Principal Commission under the great Seal were produced at their meetings, to all Intents and Purposes. And it is heroby specially provided, That conform to the late Act of *Parliament*, the said Commissioners, and their Clerks, and other Members of Court, shall at their first meeting, at the least, before they act in that capacity, take and sign the Test, that Extract whereof the Clerks of the Respective Courts, are to send in to the Clerks of Our Council with all convenient diligence, at the least, within the space of Twenty days after taking thereof. OUR WILL IS HEREFORE, and We charge you straitly, and Command, That these Our Letters seen, ye pass to the Mercat Crosse of Edinburgh, Mercat Crosses of the Head Burghs of the Shires of *Caithness*, *Sutherland*, *Inverness*, *Cromarty*, *Nairn*, *Elgine*, *Banff*, *Aberdeen*, *Kincardine*, *Forfare*, *Perth*, *Dumbartone*, *Stirling*, *Argyl*, *Tarbat*, and other places needful: And there in Our Name and Authority, by open Proclamation, make Publication hereof; That Our said Commissioners may proceed, and Act, conform to the Tenor of Our said Commission. And that all Judges, and Magistrates respectively, give their Countenance, and Assistance to them as they are thereby Ordained; And that all other Our Leiges, and Subjects may have notice hereof, and give due obedience thereto. And [illegible] the several Parochs within their respective Shires [illegible] upon the first Sabbath, after the [illegible] Day after the same, with power to Our said Commissioners to meet, and sit, as also to all Magistrates, and Officers of Burghs, and Royalties, to meet with them, and assist them, as they shall be required, all under the Pain of Rebellion, and Putting to the Horn of all Contraveners, and Disobeyers, and such further Pain, as We shall think meet. And for your so doing, this shall be your Warrand. Given at Our Court at Whitehall, the [illegible] day of [illegible] 1682. And of Our Reign the thirtieth and fourth Year.

GOD save the KING.